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Of Attorneys for JPMorgan Chase Bank, N.A.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(PORTLAND DIVISION)

GARY MACKEY, an individual,
Plaintiff,

v.

ISHWAR UTTAMCHANDANI, an
individual, FIDELITY NATIONAL TITLE
INSURANCE COMPANY, a foreign
corporation, and CHASE HOME FINANCE,
LLC a foreign limited liability, REAL
ESTATE PEOPLE LLC, an inactive domestic
limited liability company, ANNE KNESAL, an
individual,

Defendants

Case No.:

NOTICE OF REMOVAL BY DEFENDANT
JPMORGAN CHASE BANK, N.A.

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1441 and 1446, defendant JPMorgan Chase Bank, N.A. (hereinafter, "Chase" or "Defendant"), hereby removes the case now pending in Washington County Circuit Court as *Gary Mackey v. Ishwar Uttamchandani, Fidelity National Title Insurance Company, JPMorgan Chase Bank, N.A., Real Estate People LLC, and Anne Knesal*, Case No. C11-5862CV.

As grounds for removal, Defendant states as follows:

NOTICE OF REMOVAL IS TIMELY

(1) On October 14, 2011, Plaintiff filed a complaint in the action now pending in Washington County Circuit Court as *Gary Mackey v. Ishwar Uttamchandani, Fidelity National Title Insurance Company, JPMorgan Chase Bank, N.A., Real Estate People LLC, and Anne Knesal*, Case No. C11-5862CV. On or about January 9, 2013, Plaintiff filed Plaintiff's First Amended Complaint, which added a claim for alleged violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.* Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of Plaintiff's First Amended Complaint is attached hereto as Exhibit 1.

(2) This notice of removal is timely filed under 28 U.S.C. § 1446(b), which provides that where a case stated by the initial pleading is not removable, a notice of removal may be filed within 30 days after a defendant receives, by service of process, a copy of an amended pleading from which it may first be ascertained that the matter is removable. Plaintiff's First Amended Complaint was filed on January 9, 2013. Accordingly, this Notice of Removal is being filed within 30 days of January 9, 2013.

(3) No further proceedings have been had in the Circuit Court of Washington County, Oregon, as of the date of this removal. (See Oregon Courts Real-Time (OJIN) Report, attached as Exhibit 2).¹

FEDERAL QUESTION JURISDICTION EXISTS

(4) This is a civil action over which this court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 (general federal question) and 1337 (interstate commerce). This action may be removed pursuant to 28 U.S.C. § 1441(b) because the action arises under the Constitution, laws, or treaties of the United States.

(5) Plaintiff alleges in Plaintiff's First Amended Complaint that Defendant violated the FCRA. Plaintiff's claims against Defendant therefore arise out of federal law. This court has

¹ Defendant has not attached all of the pleadings filed in the state court action. Upon the court's request, Defendant will provide the Court with copies of any pleading referenced in Exhibit 2.

jurisdiction under Section 1681p of the FCRA, which provides that “[a]n action to enforce any liability created under this subchapter may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction....”

REMOVAL TO THIS DISTRICT IS PROPER

(7) Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, removal of the above-captioned state court action to this court is appropriate.

(8) Pursuant to 28 U.S.C. § 1441(a), removal to this court is appropriate as the district and division embracing the place where the state court action is pending.

(9) Defendant is providing to Plaintiff, through his counsel, written notice of the filing of this notice of removal. Defendant is also filing a copy of this notice of removal with the clerk of the Circuit Court of Washington County, Oregon, where the action is pending.

DATED: January 14, 2013.

MARTIN, BISCHOFF, TEMPLETON,
LANGSLET & HOFFMAN, LLP

By: /s/ Michael A. Yoshida
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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing NOTICE OF REMOVAL with the U.S. District Court for the District of Oregon. In addition, a true copy of this document was mailed via First Class Mail and deposited in the U.S. Post Office addressed to:

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236 NE Roberts Ave
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(503) 666-7114

Attorneys for Plaintiff

I further certify that I filed a Notice of Removal in the Circuit Court for Washington County, State of Oregon.

DATED: January 14, 2013.

MARTIN, BISCHOFF, TEMPLETON,
LANGSLET & HOFFMAN, LLP

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